

REMARKS

Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mellen and Bellows in view of Mellen, and claim 3 was objected to as lacking proper antecedent basis. Applicants request reconsideration and withdrawal of the examiner's rejections in view of the amendments contained herein, and submit that claims 1-16 and new claim 17 are in condition of allowance.

Claim Objections

The examiner objected to claim 3 as not having proper antecedent basis in regarding to the phrase "top of shim". Applicant has amended claim 3 and replaced "top of shim" with "top of rim".

Rejections under 35 USC §103

The Applicants submit that claim 1--17 are patentable because none of Mellen, Bellows or any allegedly acknowledged prior art teach, disclose or suggest shim having "a body ... being molded from a mixture of plastics and cellulose fiber that deters splintering and splitting, ... being cleanly breakable along a groove of the plurality of grooves, and ... a top of the rim is in spaced relation with the openings and tops of the plurality of grooves and ridges" as claimed in claim 1; a shim where "the thickness of the body between a base of each groove of the plurality of grooves and ridges and the second face of the body is maintained at a constant thickness to maintain the force required to break the body along any of the grooves of the plurality of grooves and ridges at a constant level" as claimed in claim 7; a shim where the body is formed from "cellulose fiber is sourced from an old corrugated cardboard waste stream of the paper mill reject streams" as claimed in claim 14; a shim where the body is formed from "cellulose fiber and plastics [that] are indigenous to the paper mill reject streams" as claimed in claim 16; and a shim where the body that "is deformable when bent and breakable along a groove of the plurality of grooves and ridges when the body is bent beyond a breaking point" as claimed in claim 17. Accordingly, Applicant submits that claim 1 through 17 meet the

requirements for patentability under 35 USC 103.

Conclusion


The Applicants respectfully assert that claims 1-16 and new claim 17 are in condition for allowance. Prompt and favorable action on the merits of the claims is earnestly solicited.

Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

Respectfully submitted,

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